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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/735,739
Filing Date: December 12, 2000
Appellant(s): SARKAR ET AL.

Christa Brown-Sanford
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/25/07 appealing
from the Office action mailed 5/31/06.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

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(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,965,947	HILD ET AL.	11-2005
6,785,223	KORPI ET AL.	8-2004
6,731,625	EASTEP ET AL.	5-2004

(9) Grounds of Rejection

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The following ground(s) of rejection are applicable to the appealed claims:

A. Claims 1, 3, 10, 16, 23, 25, 30, 34-37, and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hild et al. (6,965,947) in view of Korpi et al. (6,785,223).

Regarding claims 1, 16, 23, 30, 34-36, and 38-40:

Hild et al. disclose a method for establishing a call with a station using a transcoder, comprising

communicating protocol capabilities to the station in response to initiation of the call, wherein the protocol capabilities comprise the protocol capability of at least one remotely located transcoder;

determining whether the protocol capability of the transcoder matches the protocol capability of the station;

selecting the transcoder from a plurality of transcoders based on a priority;

initiating a transfer of the call to the transcoder to establish a first link between the station and the transcoder; and

initiating establishment of a second link with the transcoder to enable media exchange with the station using the

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protocol capability of the transcoder (Fig. 6 and col. 5 line 49 to col. 6 line 28 recite the step of receiving a request from a client identifying the content and parameters desired by the client for selection of a transcoder, the step of determining whether a transcoder matching these parameters is present, the step of selecting the transcoder using a hierarchical search to look for the most specific transcoder available for the request, and the step of using the transcoder for translating the content clearly anticipate the method for establishing a call using a transcoder and the steps of selecting the transcoder).

Further, Hild et al. disclose storing protocol capabilities in a plurality of entries in a memory, each entry corresponding to a remotely located transcoder and specifying an address of the transcoder and at least one protocol capability of the transcoder (col. 4 lines 47-67 recite the use of the content database and a transcoder table for identifying and selection of the transcoder).

For claims 1, 3, 10, 16, 23, 25, 30, 34-37, and 38-40, Hild et al. disclose all the subject matter of the claimed invention with the exception of the use of a first link to establish the call and a second link to enable media exchange using the transcoder and the use of H.323 signaling protocol.

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Korpi et al. from the same or similar fields of endeavor teach that it is known to provide the use of a first link to establish the call and a second link to enable media exchange using the transcoder and the use of H.323 signaling protocol (the abstract recite the use of a supervisory link and the media connection between the terminals in an H.323 network clearly anticipate the first link, the second link and use of H.323 signaling protocol, respectively).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the use of a first link to establish the call and a second link to enable media exchange using the transcoder and the use of H.323 signaling protocol as taught by Korpi et al. in the communications method and apparatus of Hild et al. The use of a first link to establish the call and a second link to enable media exchange using the transcoder and the use of H.323 signaling protocol can be implemented by providing and connecting the supervisory link and using the H.323 signaling protocol of Korpi et al. at the terminals of Hild et al. The motivation for provide the use of a first link to establish the call, i.e. the supervisory link, and a second link to enable media exchange using the transcoder and the use of H.323 signaling protocol as taught by Korpi et al. in the

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communication method and apparatus of Hild et al. being that it provides more efficiency and reliability for the system since the system can use the supervisory link to re-establish a connection that have gone down and the desirable added feature of using a standard protocol in the system.

B. Claims 2, 4-5, 7, 9, 11-13, 17-22, 24, 26-27, 29, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hild et al. (6,965,947) and Korpi et al. (6,785,223) in view of Eastep et al. (6,731,625).

For claims 2, 4-5, 7, 9, 11-13, 17-22, 24, 26-27, 29, and 31-33, Hild et al. and Korpi et al. disclose the device and method described in paragraph 9-A above. Hild et al. and Korpi et al. disclose all the subject matter of the claimed invention with the exception of

wherein communicating protocol capabilities is performed using a peer-to-peer signaling protocol as in claims 2, 9, 21, 24, 31;

wherein media comprises voice information and the protocol capability of the transcoder comprises a voice compression protocol as in claims 7, 13, 29, 33;

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wherein initiating a transfer of the call comprises initiating a consult transfer; receiving a session identifier from the transcoder; and communicating the session identifier to the station as in claims 4, 11, 17, 26, 32;

wherein initiating establishment of a second link with the transcoder comprises communicating to the transcoder a call setup request having the session identifier as in claims 5, 12, 18, 27;

wherein establishing a second link comprises receiving a transfer notification having the session identifier as in claim 19;

wherein exchanging media comprises associating the first link and the second link using the session identifier; transcoding first information received from the first link for communication to the second link; and transcoding second information received from the second link for communication to the first link as in claim 20.

Eastep et al. from the same or similar fields of endeavor teach that it is known to provide

communicating protocol capabilities being performed using a peer-to-peer signaling protocol (col. 54 lines 3-19 which recite the peer-to-peer protocol);

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wherein media comprises voice information and the protocol capability of the transcoder comprises a voice compression protocol (col. 88 lines 26-32 the voice compression protocol);

wherein initiating a transfer of the call comprises initiating a consult transfer; receiving a session identifier from the transcoder; and communicating the session identifier to the station; wherein initiating establishment of a second link with the transcoder comprises communicating to the transcoder a call setup request having the session identifier (col. 397 lines 11-31 which recite the session including an identifier);

wherein establishing a second link comprises receiving a transfer notification having the session identifier; wherein exchanging media comprises associating the first link and the second link using the session identifier; transcoding first information received from the first link for communication to the second link; and transcoding second information received from the second link for communication to the first link (col. 104 lines 3-32 which recite the use of ID to establish the connection). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide communicating protocol capabilities being performed using a peer-to-peer signaling protocol; wherein media comprises voice information and the protocol capability of the

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transcoder comprises a voice compression protocol; wherein initiating a transfer of the call comprises: initiating a consult transfer; receiving a session identifier from the transcoder; and communicating the session identifier to the station; wherein initiating establishment of a second link with the transcoder comprises communicating to the transcoder a call setup request having the session identifier; wherein establishing a second link comprises receiving a transfer notification having the session identifier; wherein exchanging media comprises: associating the first link and the second link using the session identifier; transcoding first information received from the first link for communication to the second link; and transcoding second information received from the second link for communication to the first link as taught by Eastep et al. in the device and method of Hild et al. and Korpi et al. The communicating protocol capabilities being performed using a peer-to-peer signaling protocol; wherein media comprises voice information and the protocol capability of the transcoder comprises a voice compression protocol; wherein initiating a transfer of the call comprises: initiating a consult transfer; receiving a session identifier from the transcoder; and communicating the session identifier to the station; wherein initiating establishment of a second link with the transcoder

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comprises communicating to the transcoder a call setup request having the session identifier; wherein establishing a second link comprises receiving a transfer notification having the session identifier; wherein exchanging media comprises: associating the first link and the second link using the session identifier; transcoding first information received from the first link for communication to the second link; and transcoding second information received from the second link for communication to the first link can be implemented by using the peer-to-peer protocol, session identifier, the voice compression protocol for call setup request of Eastep et al. in the device and method for communication of Hild et al. and Korpi et al. The motivation for using the peer-to-peer protocol, session identifier, the voice compression protocol for call setup request as taught by Eastep et al. in the communication device of method of Hild et al. and Korpi et al. being that it provides the added feature of providing support for internet telephony.

(10) Response to Argument

Applicant argued in page 11 of the appeal brief that the prior art does not teach or suggest "communicating protocol capabilities to the station in response to initiation of the call" is not persuasive because Hild in col. 2 lines 14-20 which

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recite the step of receiving a request including a set of characteristics whereby a transcoder is selected from the set of transcoders based on the best match to the set of characteristics content corresponds to the step of communicating protocol capabilities to the station; further Hild et al. in col. 5 line 49 to col. 6 which recite the process for transcoder selection whereby the process begins by receiving a request corresponds to the communication being in response to initiation of a call as claimed.

Applicant argued in page 12 of the appeal brief that the prior art does not teach or suggest "initiating a transfer of the call to the transcoder to establish a first link between the station and the transcoder; and initiating establishment of a second link with the transcoder to enable media exchange with the station using the protocol capability of the transcode" is not persuasive because Hild et al. in Fig. 6 and col. 6 lines 16-28 which recite the step of selecting the transcoder for translating content for a client, i.e. station, anticipate initiating a transfer of the call to the transcoder to establish a first link between the station and the transcoder. Although Hild et al. did not disclose establishment of a second link with the transcoder to enable media exchange with the station, Korpi et al. in the abstract recite the use of a first and second

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link, i.e. a supervisory link and a media connection, respectively, anticipate the establishment of the second link for enabling media exchange with the station as claimed. The motivation for providing the second link to enable media exchange as taught by Korpi et al. in the communication method and apparatus of Hild et al. being that it provides more reliability for the system since the system uses the first link as a supervisory link only if it fails the media connections, i.e. second link, continue.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Shick Hom

SH

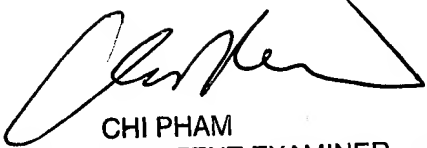
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